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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,432	06/02/2006	Kevin Douglas Hoy	COLGRA P65AUS	3624
20210 7590 05/07/2008 DAVIS BUJOLD & Daniels, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301			EXAMINER DELISLE, ROBERTA S	
			ART UNIT 3677	PAPER NUMBER
			MAIL DATE 05/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,432	<b>Applicant(s)</b> HOY, KEVIN DOUGLAS	
	<b>Examiner</b> ROBERTA DELISLE	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/2/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stacey, Jr. (U.S. Patent 4,520,601, "Stacey") in view of Ernst et al. (U.S. Patent 5,263,804, "Ernst").

#### **Regarding Claim 27, Stacey discloses: Reference figures 1-10, for example**

(NEW) A method of anchoring a fitting to a base member of mineral composition, the method comprising the steps of:

forming a cylindrical cavity (5) **(23)** in the base member (2) **(12)** to open from a surface of the base member (2) **(12)**, providing a cylindrical plug-element (8) **(16)** of the mineral composition, the plug-element (8) **(16)** having a diameter and thickness substantially the same as the diameter and depth respectively of the cavity (5) **(23)** and having an axial bore (9) **(26)** there-through, providing a fitting (1) **(20)** having a base (4) **(40)** and a threaded portion (3) **(31)** upstanding from the base (4) **(40)**, inserting the fitting (1) **(20)** into the plug-element (8) **(16)** with its threaded portion (3) **(31)** extending lengthwise of the bore (9) **(26)** and its base (4) **(40)** engaged in a [...] in the underside of the plug-element (8) **(16)** for precluding movement of the fitting (1) **(20)** relative to the plug-element (8) **(16)**, and after the fitting (1) **(20)** has been inserted into the plug-element (8) **(16)** as aforesaid, entering the plug-element (8) **(16)** into the cavity (5) **(23)** for close-fit retention therein by adhesive film with the top of the plug-element (8) **(16)** substantially flush with said surface and the fitting (1) **(20)** trapped therein.

**Stacey discloses anchoring a fitting but does not disclose a recess.**

**Ernst teaches:**

**Reference figures 1-7, for example**

... recess (15) (Column 3, Lines 7-12) ...

**Examiner notes that Stacey discloses a sleeve with a smooth bottom. Ernst teaches the use of an open ended (recess) cup where the anchoring device fits into the opening. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stacey with an opening (recess) as taught by Ernst to snugly fit the sleeve and fastening member together.**

Concerning the specific method steps, the combination renders the claimed method steps obvious since such would be a logical manner of using the combination.

**Regarding Claim 28, Stacey further discloses:**

(NEW) The method according to claim 27, further comprising the step of forming the threaded portion (3) (31) of the fitting (1) (20) as an internally-threaded tubular portion (3) (31)

**Regarding Claim 29, Stacey as modified by Ernst discloses a fitting anchor as described previously but does not disclose the tubular portion open at the surface of a base member.**

**Ernst teaches:**

(NEW) The method according to claim 28, further comprising the step of extending the tubular portion (3) (31) the length of the bore (9) (26) so as to open at said surface (figure 7) of the base member (2) (50)

**Examiner notes that Stacey discloses a fitting anchor embedded in a base member with a channel to the surface. Ernst teaches the use of a fitting anchor which is open at the surface of a base member. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stacey by allowing the fitting anchor to open at the surface of the base member as taught by Ernst to provide direct access to the fastener.**

**Regarding Claim 30, Stacey as modified by Ernst discloses a fitting anchor as described previously but does not disclose a recess.**

**Ernst teaches:**

(NEW) The method according to claim 27, further comprising the step of forming the base (4) (40) of the fitting (1) (20) as an elongate configuration and forming the recess (15) (Column 3, Lines 7-12) as a

Art Unit: 3677

substantially conformal configuration for restraining the fitting (1) (20) from turning relative to the plug-element (8) (16)

**Examiner notes that Stacey discloses a sleeve with a smooth bottom. Ernst teaches the use of an open ended (recess) cup where the anchoring device fits into the opening. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stacey with an opening (recess) as taught by Ernst to snugly fit the sleeve and fastening member together.**

**Regarding Claim 31, Stacey as modified by Ernst discloses a fitting anchor as described previously but does not disclose channels.**

**Ernst teaches:**

(NEW) The method according to claim 27, further comprising the step of supplying adhesive (**Abstract**) in the cavity (5) (23) before the step of entering the plug-element (8) (16) into the cavity (5) (23) and dispersing surplus adhesive from the cavity (5) (23) via channels (20) (38) in the plug-element (8) (21)

**Examiner notes that Stacey discloses a sleeve with a smooth bottom. Ernst teaches the use of ridges with grooves (channels) to help direct excess adhesive. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stacey with ridges with grooves as taught by Ernst to provide a means for directing excess adhesive.**

**Regarding Claim 32, Stacey discloses:**

(NEW) A fitting anchored to a base member of mineral composition, wherein the fitting (1) (20) has a base (4) (40) and a threaded portion (3) (31) upstanding from the base (4) (40), the base (4) (40) member has a surface and a cylindrical cavity that opens from the surface of the base member (2) (23), the cylindrical cavity has a diameter and a depth, a cylindrical plug- element (8) (16) of the mineral composition is located within the cylindrical cavity, the cylindrical plug-element (8) (16) having a top and an underside and having a diameter and a depth substantially the same as the diameter and depth respectively of the cylindrical cavity for close-fit location within the cylindrical cavity with the top of the plug-element (8) (16) substantially flush with the surface of the base member (2) (23), adhesive film within the cylindrical cavity for retaining the cylindrical plug-element (8) (16) within the cylindrical cavity with the top of the cylindrical plug-element (8) (16) substantially flush with the surface of the base member (2) (23), there is a cavity (15) in the underside of the cylindrical plug-element (8) (16), and wherein the fitting (1) is trapped in the cylindrical cavity with its threaded portion (3) (31) extending lengthwise of the axial bore (9) through the plug-element (8) (16) and its base (4) (40) engaged in the [...] in the underside of the plug-element (8) (16) for precluding movement of the fitting (1) (20) relative to the plug-element (8) (16).

**Stacey discloses anchoring a fitting but does not disclose a recess.**

**Ernst teaches:**

... recess (15) (Column 3, Lines 7-12) ...

**Examiner notes that Stacey discloses a sleeve with a smooth bottom. Ernst teaches the use of an open ended (recess) cup where the anchoring device fits into the opening. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stacey with an opening (recess) as taught by Ernst to snugly fit the sleeve and fastening member together.**

**Regarding Claim 33, Stacey further discloses:**

(NEW) The fitting anchored to a base member of mineral composition, according to claim 32, wherein the threaded portion (3) **(31)** of the fitting (1) **(20)** is an internally- threaded tubular portion (3) **(31)**.

**Regarding Claim 34, Stacey as modified by Ernst discloses a fitting anchor as described previously but does not disclose the tubular portion open at the surface of a base member.**

**Ernst teaches:**

(NEW) The fitting anchored to a base member of mineral composition, according to claim 33, wherein the tubular portion (3) **(31)** extends the length of the axial bore (9) **(26)** to open at said surface of the base member (2).

**Examiner notes that Stacey discloses a fitting anchor embedded in a base member with a channel to the surface. Ernst teaches the use of a fitting anchor which is open at the surface of a base member. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stacey with by allowing the fitting anchor to open at the surface of the base member a as taught by Ernst to provide direct access to the fastener.**

**Regarding Claim 35, Stacey as modified by Ernst discloses a fitting anchor as described previously but does not disclose a recess.**

**Ernst teaches:**

Art Unit: 3677

(NEW) The fitting anchored to a base member of mineral composition, according to claim 34, wherein the base (4) **(40)** of the fitting (1) **(20)** is of an elongate configuration and the recess (15) **(Column 3, Lines 7-12)** in the underside of the cylindrical plug-element (8) **(16)** has a configuration conformal with the elongate configuration of the base (4) **(40)** of the fitting (1) **(20)** for restraining the fitting (1) **(20)** from turning relative to the cylindrical plug-element (8) **(20)**.

**Examiner notes that Stacey discloses a sleeve with a smooth bottom. Ernst teaches the use of an open ended (recess) cup where the anchoring device fits into the opening. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stacey with an opening (recess) as taught by Ernst to snugly fit the sleeve and fastening member together.**

**Regarding Claim 36, Stacey as modified by Ernst discloses a fitting anchor as described previously but does not disclose channels.**

**Ernst teaches:**

(NEW) The fitting anchored to a base member of mineral composition, according to claim 32, wherein the cylindrical plug-element (8) **(16)** has channels (20) **(38)** therein for dispersing adhesive from the cavity (5) **(23)**.

**Examiner notes that Stacey discloses a sleeve with a smooth bottom. Ernst teaches the use of ridges with grooves (channels) to help direct excess adhesive. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stacey with ridges with grooves as taught by Ernst to provide a means for directing excess adhesive.**

***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERTA DELISLE ("Bobbi") whose telephone number is (571) 270-3746. The examiner can normally be reached on M-F 8 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272- 6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/  
Victor D. Batson  
Supervisory Patent Examiner  
Art Unit 3677

rsd